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OGC HAS REVIEWED.

OCT 20 1954

MEMORANDUM FOR: Legislative Counsel

SUBJECT: Proposed Executive Order amending the Civil Service Rules

1. In accordance with your request, the proposed Executive Order amending the Civil Service Rules and authorizing a new appointment system for the competitive service has been reviewed. The following comments are offered:

a. In Section 4.1 of the new Rule IV, it is stated that "no person occupying a position in the competitive service shall take any active part in political management or in political campaigns". We believe that this could be misconstrued to mean that any employee in the noncompetitive service may take part. According to our understanding of Section 9(a) of the Hatch Act, this is not the case.

b. It is noted that the new Section 5.4 of Rule V strengthens the enforcement authority of the Commission in the discipline or dismissal of employees in the excepted service. This is paralleled by Section 5.2 covering the Commission's authority to make investigations. Presumably, existing understandings with the Commission relative to recognition of security problems in any outside review of Agency activities would continue.

2. It is believed that the possibility of misinterpretation of Section 4.1, as noted in paragraph 1a above, is sufficiently great that we should call it to the attention of the Bureau of the Budget in commenting on this Executive Order. We do not consider that any comment on the point noted in paragraph 1b above is required. We have considered the possibility of suggesting that Section 7.2 of the new Rule VII be revised to reflect the Agency's general exception from personnel reporting; however, inasmuch as this exception is stated in law, we have concluded that its inclusion here is unnecessary.

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Deputy Assistant Director
for Personnel

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